

PUBLIC DISPLAY PERMIT NO. 1004-1656-00

Authorization

Funtime, Inc. d/b/a Six Flags Worlds of Adventure, 1060 North Aurora Road, Aurora, Ohio, is hereby authorized to import into the United States two killer whales (Orcinus orca), one adult female from Marineland S.A., Antibes, France, and one adult male from Mundo Marino, Buenos Aires, Argentina, specified below for public display purposes, as described in the application and subject to the provisions of the Marine Mammal Protection Act of 1972, as amended (MMPA; U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and the Conditions hereinafter set out.

A. Number and Kind of Marine Mammals

One adult female killer whale from Marineland S.A., Antibes, France, identified as “Shouka,” and one adult male killer whale from Mundo Marino, Buenos Aires, Argentina, identified as “Kshamenk.”

B. Special Conditions

1. Import/Display

- a. The importation of the killer whales authorized above shall be conducted as described, and for the purposes set forth, in the application.
- b. The authority to import the animals authorized herein shall extend from the date of issuance through **May 16, 2003**.
- c. The subject animals must be transported from France and Argentina to the United States in accordance with the U.S. Department of Agriculture’s standards entitled “Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals” (9 CFR Part 3, Subpart E).
- d. Prior to importation into the United States, Funtime, Inc. must have the travel plan documented at their facility, and the animals must be accompanied by a health certificate signed within 10 days of the transport.
- e. The importation of marine mammals is subject to the provisions of 50 CFR part 14 (i.e., no marine mammal may be imported without the required CITES permits).

- f. Funtime, Inc. and any subsequent recipient must continue to meet the three public display criteria required by §104 (c) (2) (A) of the MMPA. Funtime, Inc. must notify the Office Director by certified mail if the APHIS licenses issued to any of its facilities are revoked, suspended, or terminated.
- g. The marine mammals obtained under this Permit may not be taken, sold, exported, transported or otherwise transferred, for any purpose other than public display unless a separate permit for scientific research purposes has been issued.
- h. The marine mammals obtained under this Permit may not be released into the wild unless such a release has been specifically authorized under a separate scientific research permit that has been issued for that purpose.
- i. Funtime, Inc. is authorized to export and return the subject animals to the original holders, Marineland S.A. for the female and Mundo Marino for the male, provided that Funtime, Inc. provides written notification to the Office Director at least 15 days in advance of the intended export. After the subject animal is returned to the original holder, Funtime, Inc. may not re-import the subject animal unless a new permit to import has been issued by NMFS. Any other export of the subject animal must conform to the export requirements set out in the Marine Mammal Transfer/Transport Notifications.
- j. The terms and conditions of this Permit shall remain in effect as long as the subject marine mammals imported hereunder are maintained under the authority and responsibility of Funtime, Inc.

2. Notifications/Reports

- a. Upon completion of the imports from France and Argentina, Funtime, Inc. must complete the attached Marine Mammal Data Sheets for the subject animals, “Shouka” and “Kshamenk,” and submit them to the Office Director.
- b. Prior to any subsequent transfer or transport of the subject animals within the United States, Funtime, Inc. must provide written notification to the Office Director of the proposed transfer or transport. A completed Marine Mammal Transfer/Transport Notification form (attached) must be received by the Office Director at least 15 days in advance of the intended transfer or transport. Funtime, Inc. must assure that the intended recipient meets the three public display criteria required by §104 (c) (2) (A) of the MMPA.

- c. In the event that Funtime, Inc. assumes permanent custody of the subject animals from Marineland S.A. or Mundo Marino, Funtime, Inc. must provide written notification of the change in custody to the Office Director at least 15 days in advance of the intended transfer.
- d. In the event of the death of either subject animal or birth of progeny including stillbirths, Funtime, Inc. must notify the Office Director within 30 days by submitting a Marine Mammal Data Sheet for the animal.
- e. Funtime, Inc. must comply with provisions of the MMPA related to any progeny born in the United States.
- f. Upon request of the Office Director, Funtime, Inc. shall review and verify the accuracy of its Marine Mammal Inventory Report Summary (MMIRS) on an annual basis. All reports shall be submitted to the Office Director at the address indicated above, in the requested format.

C. General Conditions

1. Responsibilities of the Permit Holder

- a. The Permit Holder, in signing this Permit, shall be considered to have accepted and to be prepared to comply with, the provisions of this Permit, applicable Regulations, and the MMPA.
- b. The Permit Holder is responsible for all activities of any individual who is operating under the authority of the Permit.
- c. Individuals conducting activities authorized under the Permit must possess qualifications commensurate with their duties and responsibilities, or must be under the direct supervision of a person with such qualifications.
- d. Under §216.40 of the Regulations, a violation of any of the terms and conditions of this Permit or the Regulations shall subject the Permit Holder and/or any individual who is operating under the authority of the Holder's Permit to civil and criminal penalties, permit sanctions, and forfeiture as authorized in the MMPA and 15 CFR part 904. This Permit is subject to suspension, revocation, and modification in accordance with the provisions of Subpart D of 15 CFR part 904.
- e. All personnel of the Permit Holder, including veterinarians requiring State or Federal licenses to practice their profession, shall be, and while employed by the Permit Holder in that capacity, remain, duly licensed under applicable law.

- f. The Permit Holder or designated agent shall possess a copy of this Permit when engaged in the permitted activity, when the marine mammals are in transit incidental to such activity, and whenever the marine mammals are in the possession of the Permit Holder or agent. A copy of this Permit shall be affixed to any container, enclosure, or other means of containment, in which the marine mammals are placed for purposes of transit, supervision, or care. For the captive subject marine mammals, a copy of this Permit shall be kept on file in the holding facility.

2. Requirements for Importing and Transporting

- a. The marine mammals authorized by this Permit must be taken, imported, and exported in a humane manner. In the event the Office Director determines that any method of taking, import, or export authorized herein or otherwise is not humane, taking, import, or export by such method shall immediately cease and shall not resume until an acceptable method of taking, import, or export has been prescribed by the Office Director. Any inhumane taking, import, or export shall subject the Permit Holder to the penalties of the MMPA, including revocation of this Permit.
- b. The Permit Holder shall neither take, import, nor export any marine mammal that is pregnant, a lactating female, or an unweaned young animal, unless such taking, import, or export is specifically authorized in Section B. of this Permit.
- c. No marine mammal may be imported unless the Office Director determines that the methods of taking, holding, and transporting marine mammals in the country of origin are consistent with applicable provisions and policies of the MMPA.

3. Transferability and Assignability

This Permit is not transferable or assignable to any other person, and the Permit Holder may not require any direct or indirect compensation from another person in return for requesting authorization for such person to conduct the taking, import, or export activities authorized in this permit.

4. Permit Amendments

- a. Requests by the Permit Holder for an amendment to the provisions of this Permit must be submitted in writing to the Office Director.
- b. The provisions of this Permit may be amended upon reasonable notice to the Permit Holder by the Office Director.

5. Penalties and Permit Sanctions

- a. Any person who violates any provision of this Permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA or 15 CFR part 904 [Civil Procedures].
- b. Any falsification of information pertaining to the permitted activities, including information provided to NOAA personnel, will be considered a violation of the Permit.
- c. All permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.

Date: May 16, 2002

[signed]

Donald R. Knowles
Office Director
Office of Protected Resources
National Marine Fisheries Service

Date: May 17, 2002

[signed]

G. William Hughes
Zoological Director
Funtime, Inc.
Six Flags Worlds of Adventure

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jls draft 4/18/02; final w/spell check 5/16/02
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